



FISCAL MEMORANDUM

HB 2280 - SB 2275

June 2, 2020

SUMMARY OF ORIGINAL BILL: Requires an agent or officer of the Tennessee Bureau of Investigation (TBI) to provide a minor with the telephone number for the Tennessee Human Trafficking Resource Center hotline and release the minor to the custody of a parent or legal guardian or transport the minor to a shelter care facility designated by the juvenile court judge when the minor is taken into custody for a suspected violation of prostitution.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (017845): Deletes and replaces all language after the enacting clause. Changes the age of the victim for a Class A felony offense of trafficking for a commercial sex act from 15 years of age to a minor. Requires no release eligibility for a human trafficking offense committed after July 1, 2020, less sentence credits. Prohibits a reduction of such sentences to less than 85 percent of the sentence imposed. Creates a Class A felony offense of aggravated human trafficking and requires individuals convicted to serve 100 percent of any sentence imposed, undiminished by any sentence credits. Requires such sentence to be no less than a sentence imposed for a Range II offender. Effective August 1, 2020.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$725,900 Incarceration*

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-13-309(c), trafficking for commercial sex act is a Class B felony offense and enhanced to a Class A felony offense if the victim is under the age of 15.
- The proposed legislation enhances trafficking for commercial sex to a Class A felony offense if the victim is less than 18 years of age.
- Based on information provided by the Department of Correction (DOC), there has been an average of 3.2 Class B felony admissions for trafficking for commercial sex act offenses each year over the past five years with an average sentence length of 8.5 years.
- Based on information provided by the DOC, there has been an average of .33 Class A felony admissions for trafficking for commercial sex act of a child less than 15 or on the grounds of or within 1,000 feet of outlined locations over the past three years with an average sentence length of 15 years.

- This analysis estimates that one Class B felony trafficking for commercial sex act admission per year will be enhanced to a Class A felony offense.
- This analysis assumes individuals are serving an average of 30 percent of sentences imposed incarcerated.
- The proposed legislation requires individuals committing a human trafficking offense to serve 85 percent of the sentence imposed.
- Population growth and recidivism will not impact these admissions.
- According to the DOC, the average operating cost per offender per day for calendar year 2020 is \$75.52.
- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every year serving an additional 3,725.55 days $\{[(15 \times 85\%) - (8.5 \times 30\%)] \times 365.25\}$. The annualized increase in state incarceration expenditures is estimated to be \$281,353 $(\$75.52 \times 3,725.55 \times 1)$.
- The proposed legislation will increase the time incarcerated for the remaining two (3.2 admissions – 1 enhancement) admissions.
- Pursuant to Tenn. Code Ann. § 9-4-210, two offenders will be admitted every year serving an additional 1,707.54 days $[(8.5 \times 55\%) \times 365.25]$. The annualized increase in state incarceration expenditures is estimated to be \$257,907 $(\$75.52 \times 1,707.54 \times 2)$.
- This analysis assumes that current admissions for Class A felony trafficking for commercial sex act will result in a Class A Range II felony admission for aggravated human trafficking and be required to serve 100 percent of any sentence imposed.
- Pursuant to Tenn. Code Ann. § 40-35-112(b)(1), a Range II sentence for a Class A felony offense is not less than 25 years nor more than 40 years.
- Pursuant to Tenn. Code Ann. § 9-4-210, .33 offenders will be admitted every year serving an additional 7,487.63 days $\{[25 - (15 \times 30\%)] \times 365.25\}$. The annualized increase in state incarceration expenditures is estimated to be \$186,604 $(\$75.52 \times 7,487.63 \times .33)$.
- The total annualized increase in state incarceration expenditures is estimated to be \$725,864 $(\$281,353 + \$257,907 + \$186,604)$.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner BS

Krista Lee Carsner, Executive Director

/jmg